

# INTRODUCTION: OFFICE OF THE COMMONWEALTH'S ATTORNEY (OCA)

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COMMONWEALTH'S ATTORNEY

CITY OF ALEXANDRIA, VIRGINIA

FALL 2021





# INTRODUCTION

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OVERVIEW OF THE COMMONWEALTH'S ATTORNEY



# THE COMMONWEALTH'S ATTORNEY

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- The Office of the Commonwealth's Attorney is established by the Constitution of Virginia.
- There are 120 elected CAs in Virginia.
- Some run as independents, others run as the nominee of a party.
- The term is 4 years. City CAs are on the same cycle as the Governor, county CAs are offset by 2 years.



# THE COMMONWEALTH'S ATTORNEY

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- I am in the last year of my second 4-year term which began on January 1, 2018.
- Since I am elected, I do not work for the City Manager.
- However, because of the close, symbiotic relationship between my office and the City, we work very closely with City government.



# THE COMMONWEALTH'S ATTORNEY

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- The duties of the CA include:
  - Investigating suspected or alleged offenses against the Commonwealth of Virginia and the City of Alexandria;
  - Authorizing or declining prosecution of criminal offenses;
  - Determining the manner of prosecution and deciding trial-related questions.
- The Code of Virginia grants the Commonwealth's Attorney the discretion to prosecute misdemeanors.
- **OCA prosecutes all jailable misdemeanors.**

# THE COMMONWEALTH'S ATTORNEY

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- The Commonwealth's Attorney is empowered to make the final decision about initiating or declining a criminal prosecution:
  - OCA can dismiss any case that the police department decides to charge; and
  - OCA can initiate charges even if the police decline to do so.
- However, the initial charging decision is almost always made through a police arrest and a magistrate's review. OCA gets involved after arraignment.

# THE COMMONWEALTH'S ATTORNEY

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- As the Commonwealth's Attorney, it is my duty to review any law-enforcement use of deadly force and render a decision as to whether criminal charges should be brought.
- Currently, the Virginia State Police conducts all criminal investigations into the use of deadly force by Alexandria officers.



# THE COMMONWEALTH'S ATTORNEY

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- As the elected CA, I have a varied job description:
  - I set policy and goals for the office;
  - I still prosecute exceptionally serious cases - usually murders;
  - I have primary responsibility for hiring, promotion, and discipline;
  - I liaise with outside agencies, such as the Sheriff, CMO, APD, and Probation;
  - I routinely teach prosecutors and law enforcement officers;
  - I am very involved with the state and national prosecutor's associations.

# THE COMMONWEALTH'S ATTORNEY

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- My office currently has 30 full-time employees.
  - There are 14 prosecutors.
  - We have 7 administrative staff members.
  - We have 7 VWAP advocates.
  - We also have two new positions, the Special Assistant for Rehabilitative Programs and the Treatment Court Coordinator.
  - We also rely heavily on law students, who generally work for pay, and sometimes work for credit. We currently have 3 law students and 1 Fellow working in our office.

# THE COMMONWEALTH'S ATTORNEY

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- There are 3 supervisory attorneys:
  - A Chief Deputy;
  - A Deputy;
  - A Senior ACA.
- The 10 line assistants are split into two teams.

# THE COMMONWEALTH'S ATTORNEY

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- All of the assistants carry an active caseload.
- The newest prosecutors start in misdemeanor court, trying DUIs and Assault and Battery cases.
- The more senior prosecutors handle murders, rapes, and robberies.



# THE COMMONWEALTH'S ATTORNEY

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- The Office Administrator supervises the administrative staff.
- He also has a significant policy role in the office, primarily with the office budget, but also with hiring and discipline.
- Each of the administrative staff members is assigned a specific role, but, in general, they are responsible for:
  - Dealing with the citizenry;
  - Maintaining the huge volume of paperwork;
  - Preparing an assigned docket.

# ■ THE COMMONWEALTH'S ATTORNEY

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- In FY 2022, our budget was set at \$3.244 million, down about \$50K from FY 2021 approved.
- 97% of our budget is personnel-related.
- Also, the City is reimbursed by the Commonwealth every year for the state contribution – usually about 45% of our total budget.
- **So the citizens get a full-time office for a part-time price.**

# THE COMMONWEALTH'S ATTORNEY

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- The Victim/Witness Assistance Program provides crime victims and witnesses with information, support, and comfort throughout the process of a criminal prosecution.
- Our current VWAP director is Judy Holl.

# THE COMMONWEALTH'S ATTORNEY

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- My background:
  - I was born and raised in Alexandria.
  - I started my career as a police officer.
  - I have served 20 years as a prosecutor.
  - For the past 8 years, I have been the elected.



# THE COMMONWEALTH'S ATTORNEY

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- **My Philosophy**
  - **The Role of a Public Prosecutor**
    - Just results – not convictions
    - Holding people accountable
    - Rehabilitation
  - **Criminal Justice Reform**
    - Misdemeanor Diversion
    - Mental Health Initiative
    - Alexandria Substance Abuse Treatment Court
- **Results**

# QUESTIONS?

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